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wp 20525/03

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BEFORE THE HON'BLE MP ADMINISTRATIVE TRIBUNAL,
JABALPUR

O.A. NO 3317 **/ 2002**

G.P.YADU S/O LATE SHRI RAMLAL YADU
LABOUR INSPECTOR
OFFICE OF THE ASST. LABOUR COMMISSIONER
RAIPUR..... **APPLICANT**

VERSUS

1. STATE OF CHHATTISGARH
THROUGH LABOUR COMMISSIONER CUM SECRETARY,
DEPARTMENT OF LABOUR,
MANTRALAY D.K.S. BHAWAN RAIPUR C.G.

2. ASSISTANT LABOUR COMMISSIONER,
KUTCHHARY CHOWK,
RAIPUR..... **NONAPLICANT**

APPLICATION U/S 19 OF THE ADMINISTRATIVE TRIBUNALS ACT 1985.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) NO. 2176 OF 2005

Petitioner : G.P. Yadu

Versus

Respondents : State of Chhattisgarh and another

Present : None appears for the petitioner.
Mr. V.V.S. Moorthy, Deputy Advocate General with Mrs. Anju Ahuja, Deputy Government Advocate for the State/respondents.

ORDER
(Passed on 9th Day of March, 2007)

The petitioner, while working as Labour Inspector in the office of the Assistant Labour Commissioner, Raipur was transferred to office of the Labour Officer, Raigarh on the same terms and conditions, vide impugned transfer order dated 21-8-2002 (Annexure A-1).

2. The Madhya Pradesh Administrative Tribunal, Jabalpur vide interim order dated 18-10-2002, granted stay of the impugned transfer order dated 21-8-2002 (Annexure A-1).

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in

the transfer matter and this Court can interfere only in the case of proved mala fide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash